The Liberal Lion in Winter

The Democrats' Legislative Genius, Los Angeles Congressman Henry A. Waxman is Back on Defense

December 4, 1994

The Los Angeles Times Magazine

By Harold Meyerson

It's an inauspicious start for what will soon become one of the worst days in Henry Waxman's life. At 8:15 on a drizzly Election Day morning, the Democratic congressman from West Los Angeles addresses 120 government students at Beverly Hills High and not surprisingly, the rage against Congress has spilled into the Establishment confines of Beverly.

The first questioner, a kid in baggy pants and backward baseball cap who's two parts Beavis and Butthead to one part Rush Limbaugh, wants to know about congressional pensions. A lawyerly Young Republican notes that illegal immigrants won't necessarily lose out on education should Proposition 187 pass because they can always pay tuition. A student who grew up in Nicolae Ceausescu's Romania interrogates Waxman on smoking. Cigarettes, he insists, can't cause cancer because it's the government that says so, and governments never tell the truth. The bulk of the questions are innocuous, but all the pointed ones come out of right field. As the class winds down, the one hand still waving in the air belongs to Beavis-'n'-Rush, w ho wants to know whatever happened with the House banking scandal.

Through it all, the 55-year-old Waxman remains decorous and unembattled. His House seat, certainly, is in no danger: He will win reelection with 68% of the vote. spending practically nothing on his own campaign. Besides, he know how to work the students; he talks about his work on behalf of abortion rights and a cleaner environment. But he doesn't know how to wake the students. The morning never becomes electric.

Short, bald and pudgy, Waxman has all the charisma of a CPA. He persuades by argument, not by humor or personality. Where Ralph Nader unleashes a torrent of indignation, Barney Frank stings with wit and Tom Hayden still taps into a vein of adolescent anger, Waxman simply makes his case point by point by point. He is not liberalism's man for all seasons. He is only its legislative genius.

It's a genius not widely recognized in Los Angeles, where Waxman is still chiefly known for his political alliance with his longtime friend, congressman Howard L. Berman -- though by now, the fabled Waxman-Berman organization, which shaped California politics for the last two decades, has virtually ceased to exist. Indeed, Waxman maintains a low public profile generally. In an age of mediagenic politicians, he is exactly the opposite. Low-key and sound-bite-adverse, he lacks some of the essential elements of a politician's personality. "Henry's a very reserved person," says Lenore Wax, a confidante of 35 years who is his campaign committee president. "He still doesn't enjoy small talk."

"Henry never entertains colleagues," says his longtime aide Howard Elinson. "He does no sports. His staff would say, You should go golfing with (House Energy and Commerce Chairman John Dingell.' Fat chance."

But there's more to politics than charisma. From the moment he was first elected to Congress in 1974, Waxman has been one of Capitol Hill's masters of inside ball, one of those dimly visible but legendary figures -- the more legendary perhaps for being so dimly visible -- who can block legislation despite widespread support for it, who can get bills passed in the darkness of a pre-dawn conference committee. There, though, the stereotype shatters. For when Waxman legislates in the dead of night, he's not inserting a dam, or a highway, or an aircraft carrier into an appropriations bill. He's more than likely expanding health programs to the poor. Over the past 15 years, from his perch as chairman of what may

be Congress' most powerful subcommittee -- the health and the environment subcommittee of the House Energy and Commerce Committee -- Waxman racked up a string of improbable legislative accomplishments. During the Reagan and Bush Administrations, he authored and engineered the passage of a strong Clean Air Act and -- to the astonishment of Congress-watchers -- the extension of Medicaid coverage to millions of the working poor. Behind closed doors, he has staved off attempts to cap Social Security and Medicare benefits. In open hearings, he has steadily laid the groundwork for banning smoking in public places.

"Waxman elevates to high art the blend of substantive policy knowledge, advocacy of policy improvements and excellence of strategic execution," says Robert Greenstein, director of the left-leaning Center on Budget and Policy Priorities. "There aren't half a dozen like Henry, and that's in both houses."

The right also shares Greenstein's assessment of Waxman's talents, though not his appreciation of the ends to which they're put. The Friday after the election, a Wall Street Journal editorial gloated that the Republicans would no longer have to compromise with the Democrats in general and with four Democrats in particular: House Speaker Thomas S. Foley, Senate Majority Leader George J. Mitchell, Dingell -- and Waxman. Perhaps the highest tribute came near the close of one Senate session, when Republican leader Bob Dole adjured his colleagues publicly, on the floor, not to add amendments to a particular bill for fear that it would then be sent to conference and be subjected to Waxman's negotiating prowess. Dole's deputy leader, Wyoming Sen. Alan K. Simpson, made the point even more vividly after staggering from one all-night conference. "Henry Waxman," Simpson said, "is tougher than a boiled owl."

But in a year when the voters hate Congress, Waxman must defend not only the liberal idea, but also the very idea of a congressional career. "It's amazing to see the disdain for public service," he tells the Beverly Hills High students. If you want a Congress of resume-padders and future lobbyists, he argues, then term limits are the way to go. But serious legislating takes time -- 10 years in the case of the battle for the Clean Air Act. Even at Beverly Hills High, the Waxman stump speech has become -- has had to become -- an apologia for his very life.

As he gets in his car to drive to the airport, his fears of what the day will hold have not abated. He's flying to New York to spend election night with Phil Schiliro, his longtime administrative assistant, who is running for a Long Island congressional seat. But he's worried that Schiliro will not be able to withstand the Republican onslaught. More ominous, Waxman has been getting calls all week, from senior, suddenly endangered colleagues. Kansas Congressman Dan Glickman, chairman of the House Select Intelligence Committee, phoned over the weekend, asking if Waxman could help him hang on to a once-secure Wichita district. Other members, from the South and Midwest, have been calling, too, asking for help. It's going to be a very long night.

One month before Election Day, Waxman is doing what he loves most -- working the halls of Congress. It's 1 a.m. on a Friday morning, about 24 hours before Congress will adjourn for the year. "I'm very busy most years at the end of the session," Waxman says. "I'm usually the last one to close the session because we have a lot of business. There's some opportunity to do good things. This is the time that deals get made."

On this evening, Waxman has been spending time on the Senate side, negotiating an agreement with Orrin G. Hatch on a fiercely contested bill, sponsored by the Utah Republican, that would curb federal oversight of the dietary supplement industry. The $4-billion-a-year industry, much of which is headquartered in Hatch's state, has rallied thousands of health-conscious shoppers to its side by informing them that the Food and Drug Administration, with Waxman's connivance, plans to take the supplements off the market. The information is untrue, but it has proven politically effective: Congress has been flooded with phone calls in support of Hatch's bill, which allows the FDA to sue only if false claims are made for a product's curative powers, but forbids the agency from examining those claims before the products are on the shelf. "My position," Waxman would later tell law students at UCLA, "was that if you say it cures diseases, you cross the line" -- and, hence, the claim should be subject to prior FDA verification. But so many people were phoning their congressmen, alarmed that the supplements were

about to be banned, that "if it went to the floor, individual members would add amendments that would undermine claim oversight. So I sat on the bill."

The trick was to reach agreement with Hatch without subjecting the bill to a committee vote or bringing it to the House floor at all -- to cut a deal that the manufacturers' campaign couldn't destabilize and then return the bill for unanimous consent to both houses. Employing a procedure found nowhere in the government texts, Waxman pulls it off this evening. He persuades Hatch to agree on legislation that establishes a presidential commission that will resolve the question of claims and prohibit companies from making such claims until the commission issues its report. Score one for Waxman.

While over in the Senate, Waxman also meets with Michigan Democrat Carl Levin, persuading him to drop a amendment that he's attached to the Minority Health Improvement Act. And while he's meeting with Levin, Nebraska Sen. Bob Kerrey and Massachusetts Sen. John Kerry ask him why there's been no action on the Safe Drinking Water Act. A few weeks before, Waxman struck a deal in his committee among water districts, environmentalists, and state and local governments authorizing funds to upgrade water purification systems. But the bill has bogged down in the Senate. The problem is an amendment by Louisiana Sen. Bennett L. Johnston that would insist on a risk-assessment provision, which Waxman fears would cripple the Environmental Protection Agency, and a proposed "takings" amendment by Dole that would require government compensation for any restriction on a use of property, which Waxman fears would nullify most environmental constraints on industry.

At 3 that morning, Waxman is on the floor of the House announcing the agreement on vitamin supplements, reading a statement of interpretation that he and Hatch have jointly agreed to. Hatch is reading the identical statement in the Senate. The bill then passes without objection. At 5 that afternoon, he is back on the floor steering the Minority Health Improvement Act to passage. But he is unable to persuade Johnston and Dole to drop their amendments to the Safe Drinking Water Act; a bill that all interested parties have agreed to on the House side has fallen prey to a greater ideological agenda in the Senate. Waxman is appalled. "It's unusual when a bill with the compromise provisions already worked out nonetheless fails to pass. But there was a lot of ineptitude on the Senate side, from proponents and opponents both."

Waxman's tenacity is legendary. He held up the Clean Air Act for nearly a decade until its provisions on emission controls and acid rain were strengthened. At one point in the early 80s, he blocked a key vote on a weakened version of the bill by offering 600 amendment which he had wheeled into the committee room in shopping carts. Behind this determination, his wheeling-and-dealing, his obsession for a bill's fine print, is the conviction he expressed in a pre-election debate: "When it comes to giving people economic opportunity," he said, "government is sometimes the only place to look to cut off the rough edges of a capitalist system that leaves some of the people at the bottom." Waxman's Republican opponent failed to show for the debate, so the congressman found himself debating only his Libertarian challenger, which may explain his invocation of the c-word, capitalism, in a political context, something all but unheard of in contemporary American politics.

Certainly, Waxman's belief that there are needs that the market alone cannot meet led to the Orphan Drug Act, which provides incentives for pharmaceutical companies to do research and development on drugs for diseases so rare they would otherwise never have had the financial incentive to undertake. And it was the failure of the market to meet the health care needs of millions of Americans that propelled him into the fight where he won his most improbable victories of all -- expanding Medicaid coverage 24 times from 1984 through 1990, in the midst of the cutbacks that marked the Reagan and Bush presidencies. His strategy was to create a program with such widespread appeal that it would win significant Republican support, then attach it to budget reconciliation bills the President couldn't easily veto.

Before 1984, only children whose families were getting Aid to Families with Dependent Children were eligible for Medicaid. This, Waxman argued, was only an incentive to stay on the dole. Why not extend coverage to poor children whose parents worked? Why cover prenatal care for women receiving welfare, but not for poor women who were not? These were difficult arguments for many Republicans to dismiss.

"Henry knew I had an interest in prenatal care," recalls Tom Tauke, a Republican congressman from Iowa throughout the 80s. "If we invested at that point, it would pay dividends later." Waxman's masterstroke was to enlist the help of Illinois Republican Henry J. Hyde, the House's leading foe of abortion. What he emerged with from the 1990 budget was new language that mandated every state to cover poor children under the age of 6, and by the year 2000, poor children 6 to 18.

Over the past session, Waxman accomplished something he had never done, or attempted to do, in his previous 19 years in the House: He created memorable television. In a series of widely publicized hearings, Waxman went after the tobacco industry with the zeal of a turn-of-the-century progressive on the trail of the Standard Oil Trust. He gave prominence to an obscure EPA report that established secondhand smoke as a carcinogen, uncovered a onetime Philip Morris lab director who had determined years ago that nicotine was addictive, and put tobacco CEOs through several highly unpleasant hours of questioning on such matters as why they had neglected to share their knowledge of nicotine's addictive qualities with the public. The ranking Republican member of Waxman's committee, Thomas J. Bliley Jr. of Richmond, Va .-- home to Philip Morris, the largest employer in Bliley's district, called the interrogation of the CEOs "McCarthyism."

When Bill Clinton became President, Waxman's days of legislating health care by night seemed to have ended. Finally, a President had health reform at the center of his agenda. This was Waxman's moment. For years, he had raised money from his wealthy liberal backers in his Westside district and throughout L.A.'s Jewish community to ensure his ascendance to the Health Subcommittee chair and the presence of reliable committee allies. When he defeated the more senior Richardson Preyer for subcommittee chairman in 1978, he'd given $21,000 to the campaigns of 10 committee colleagues. By the late 80s, Waxman was providing more campaign funding than any other Democrat in the House -- $258,000 between 1987 and 1989 -- more than the Speaker Jim Wright or Majority Leader Richard A. Gephardt. The total for the entire decade was nearly a million dollars.

He also put together what by common consent was the most knowledgeable committee staff on Capitol Hill. "It's striking how some members of Congress who are very bright are somehow not able to attract a top notch staff," says Greenstein of the Center on Budget and Policy Priorities. "Waxman, by contrast, has attracted to his health committee a brilliant staff." They include Andy Schneider and Mike Hash, Congress' foremost authorities on Medicare and Medicaid law, who were in the room during almost every Democratic discussion of health reform over the past two years. And at the center of all the action was Waxman himself. By the time Clinton had come to power, he had become the one congressman "most people on the left and center go to on health care to find out what's the right position and why," in the assessment of Cathy Hurwit, lobbyist for the progressive pressure group Citizen Action.

Sixty years before, New York's Democratic Sen. Robert F. Wagner, another acclaimed legislator with a brilliant staff, originated, crafted and wheedled the votes for the program we think of today as the New Deal: the National Labor Relations Act and much of the Social Security Act. With the 1992 elections, Waxman was ideally positioned to become President Clinton's Robert Wagner. But the political dynamics of the 90s, proved to be nothing like those of the 30s. From the start, Waxman had misgivings about the Administration's tortuous approach. "They have a relatively short time frame for getting something passed while the momentum is behind the new President," he told Public Citizen, Ralph Nader's magazine, in the spring of 1993. "If we let health care sit for too long, there are too many interest groups that will pull the President's proposal apart, whatever that proposal may be."

Waxman's apprehensions proved prophetic. By early 94, two Democratic moderates on whose support Waxman had counted to get a compromise bill out of committee were no longer reachable. By summer, the normally politic Waxman attacked them by name. "On our committee, we have one Democrat running for governor of Kansas -- Jim Slattery who's found it more attractive to be with interest groups than to help out the President in this tremendously important societal objective. We have Jim Cooper running for senator in Tennessee, [where] there are loads of people without health insurance who don't have the wealth of congressman Cooper to go out and buy it for themselves. But Congressman Cooper was more interested in going along with -- in stirring up -- the special-interest groups fighting the bill."

Privately, Waxman voiced skepticism about the Administration's strategy, but publicly commended it for waging the fight in the first place. "I wouldn't have gone through this whole process of [White House] committees that seemed to be operating outside public view," he says today. "I would have tried to develop a bill that wasn't so complicated, that people could more easily understand." But his suggestions were unheeded. Twenty-five years of preparation for the task of putting together a national health reform package had come to nothing.

Waxman's critics -- not only Republicans but New Democrats as well -- argue that his beliefs are just too far out of sync with modern America to merit serious support. "He's a good guy who doesn't realize it's 1994. He thinks it's 1964," says Los Angeles author and economist Joel Kotkin. "His redistributionist regulatory policies are totally inappropriate to California today." Kotkin is echoed by Morley Winograd, who leads the Los Angeles chapter of the Democratic Leadership Council. "Henry wants to have the government intervene directly with tobacco and clean air regulations," says Winograd. "But there are other ways to have the government influence the market. The positions he favors would wipe out the commerce of the L.A. basin." Waxman responds that the areas in which he's advocated stepped-up regulation is both efficient and popular -- health insurance, clean air, safe water, adequate food, and drug oversight. He admits that there are some areas, welfare in particular, where the proper governmental policy is not at all clear to him -- but over health and environmental issues, he says, "I never felt the ambiguity [about government's role] I may have felt over other issues."

To the criticisms that these policies leave American industry at a competitive disadvantage in the world economy, he counters with an analysis according to Labor Secretary Robert B. Reich: We need to invest more in education and training to upgrade our workforce. "I was asked at come community meetings I held in 1993 whether I'd ever heard of a society that had taxed itself into prosperity," Waxman says. "I said yes: It was the state of California after World War II, when we paid for the best public education system, from kindergarten through higher education, a model for the country, and when we helped people go to college through the G.I. Bill. That investment in education sustained prosperity in this country for decades. It made us the power that we are."

Waxman's regulatory crusades may be increasingly unpopular, but they show no sign of wearing out their welcome in his own district. The Westside not only sent Waxman to Congress, after all. It has elected Terry Friedman to the state Legislature, where he authored the state's anti-smoking statute, and Marvin Braude to the City Council, where he has authored the city's anti-smoking laws. If there is an anti-smoking capital of the world, it would have to be West Los Angeles. The 29th District, which runs from Silver Lake to Santa Monica roughly between Wilshire Boulevard and Mulholland Drive, is certainly one of the most politically anomalous in the nation. No other American congressional district this affluent is remotely as liberal; no other district this liberal is remotely as affluent. It is also one of the two or three most heavily Jewish in the country. It's not so much middle-class Jews raising families; it's more elderly Jews still comfortable with New Deal politics, or Westside yuppies supportive of minority rights and cultural liberalism. Either way, it's a comfortable fit for Waxman and his constituents.

Stylistically, the Waxman-Westside fit is somewhat less perfect: a less glitzy representative for a more glamorous community is impossible to conceive. Married for more than 20 years, Waxman and his wife, Janet, have two children -- Michael-David, a college student, and Carol, who lives abroad with her husband and two kids. "Henry is a Jewish liberal politically, but he's a conservative person," says longtime friend and colleague, Howard Berman. "He likes living an ordered life at a personal level. I think religion and ritual help to order that life for him."

The faith of Waxman's childhood was a more secular Jewish liberalism. He grew up over his father's grocery store near Watts; his parents, children of Russian-Jewish immigrants, had inclinations toward unions and social democratic policies. Waxman was elected to student body office at Fremont High, then heavily black. His family moved to Beverly-Fairfax while he was still in high school; he enrolled at UCLA as the Eisenhower era was coming to a close.

"I met Henry in the Young Democrats at UCLA in 1960," Howard Berman recalls. "Henry chaired the UCLA Draft Stevenson Committee. Now it was already summer -- the primaries were over, the delegates selected. And we went -- no, come to think of it, he didn't go, he just sent me -- to Hollywood Boulevard to get petitions signed for Stevenson. Can you imagine an act more detached from political reality?"

The YDs, as they were called, were a yeasty group in the early 60s. Waxman was one of the leaders of its Liberal Caucus, a faction closely aligned with the godfather of California liberalism, San Francisco Congressman Phil Burton. With the Liberal Caucus steering the YDs and Waxman steering the Liberal Caucus, the organization called for the abolition of the House UnAmerican Activities Committee and became the first Democratic group anywhere in the nation to oppose American involvement in Vietnam. Other liberal caucus stalwarts included such future leaders of the California Democratic Party as Willie Brown, David A. Roberti, and Berman.

In 1968, the YDs provided Waxman with a ready cadre of volunteers when he challenged a longtime Democratic Assembly member in a West L.A. district. Seventy-year-old Lester A. McMillan had been indicted and acquitted on the charge of taking a bribe. Waxman was an unknown; his campaign was run by a 20-year-old named Michael Berman, Howard's brother. The supremely confident McMillan waged no campaign to speak of. In the last two weeks, Lenore Wax recalls, "Michael Berman used to call me every day. Don't you have any McMillan mail?' he'd ask."

While McMillan never mailed, the Waxman campaign was devising a form of mail that would change American politics. Michael Berman and Howard Elinson, then a graduate sociology student at UCLA, targeted mail to specific groups of voters -- without the assistance of computers. "We used every list and demographic and ethnic category there was," says Elinson. "If there were 12 Armenians, they'd get a letter." No one else paid attention to the race: The Eugene McCarthy-Robert Kennedy presidential primary dominated the news.

But it was Waxman's race that altered the business of politics -- not by sending the 29-year-old challenger to Sacramento, but by creating a team that reinvented the campaign.

In 1972, it was Howard Berman's turn to run for Assembly. This time, Michael had a computer to help the mail operation, and Howard won easily. Two years later, at the height of Watergate, Waxman was elected to Congress. Neither Waxman nor Berman, who went to Congress in 1982, has experienced a competitive election since they first ran for Assembly.

What they were evolving -- haltingly, imperfectly but brilliantly -- was a substitute political party. Into the void of California politics, where parties have had little presence or power since the Progressive Movement defanged them in 1911, strode Waxman-Berman. Secure in their own Seats, they offered to help their like-minded friends around Los Angeles. They would raise money out of their affluent districts to fund allies' campaigns. Michael would do the mail. They would recruit candidates, guide them through the election mazes, count on their votes in internecine legislative struggles.

This postmodern machine, which ran without benefit of patronage jobs to disperse, operated at various levels. Its proteges claimed the elective offices of West L.A. and the Valley; recipients of its largess were amply represented in Sacramento and in Washington. The reach of the machine was greatly extended by the political consulting partnership Michael Berman established with Carl D'Agostino. Berman and D'Agostino Campaigns -- BAD to its friends as well as its enemies -- pioneered the slatecard mailer, where Waxman-Berman friends would appear cheek-by-jowl with a range of candidates and initiatives that paid their way on. From time to time, it would also manage a statewide candidate, most memorably former Congressman Mel Levine and Comptroller Gray Davis in 1992 Senate primaries won by Congresswoman Barbara Boxer and Diane Feinstein, respectively.

As far back as 1989, the machine had begun to break down. In particular, Waxman's interest was plainly in Washington and not in Central Valley Assembly races. "I was finding that people were thinking I was

involved [in California races] when I wasn't. And despite my longtime friendship and political relationship with Howard and Michael Berman and Carl D'Agostino, I often stay out of races where they make endorsements. On occasion, I've endorsed candidates who have run against the candidates that they've endorsed."

Waxman's withdrawal from the electoral game was accelerated by growing political differences with the Bermans. Waxman was distinctly unhappy about the law-and-order campaign Michael managed for Levine in the Senate primary, just months after the L.A. riots. Since the campaign, Howard Berman has moved closer to the centrist Democratic Leadership Council, for whom Waxman's paleoliberalism is anathema. Waxman's progressive bent, by contrast, is only intensifying. He was one of a handful of non-black House Democrats to oppose the Clinton Administration's crime bill from the left when it first came up in the spring; though ever the loyal soldier, he supported it when an embattled Administration later needed his vote. With the ascension of Clinton, Waxman even cut back on his involvement in the races that were important to his work in Congress: For the first time since he had gone to Washington, he didn't hold a fundraiser. "We're not even soliciting funds," says chief of staff Phil Schiliro. Waxman had raised all that money over two decades to be in a position to legislate over these two years, and nothing would distract him from that agenda. As of September 30, 1994, filing with the Federal Election Commission, Waxman ranked only 579th among the 800 or so candidates for Congress in total funds raised. Prospero had given up his magic.

It wasn't just Waxman who had wearied of the game; the Bermans were pulling out, too. The BAD slate cards were now just one among many clogging California mailboxes. In this year's elections, they involved themselves only in the candidacies of longtime personal friends, staying away from several hotly contested Westside races for open Assembly seats -- something that would have unthinkable five years ago.

A common thread runs through Waxman's careers both as a legislator and as a practitioner of electoral politics. In each instance, he's been able to advance goals in the absence of much popular mobilization on their behalf. The development of targeted mail has enabled campaigns to project their messages whether or not volunteers show up to walk the precincts. His skillful use of the chair has enabled him to squeeze liberal legislation from conservative bodies. This is not a condition that Waxinan relishes. He laments the weakening of unions and other groups that could have swayed the debate his way on health care. He first won office in 1968, the year the New Deal coalition definitively broke apart and his entire career has played out against a background of steady demobilization of progressive legislation. When his moment, and health care's, rolled around in the past two years, the polling showed support was there, but the forces in motion were entirely those in opposition. "There was almost no lay concern on health care coming into this office," says Elinson, Waxman's district aide. "All our correspondence is from administrators of hospitals, nuns who run hospices, the vice president of Cedar-Sinai. We have some private practitioners, we have some people favoring a single-payer system. And we have letters from psychologists who want to be covered like psychiatrists."

Waxman had worked the system as far as it would go. Absent a greater level of liberal mobilization, it would go no further.

By election night, all of Waxman's apprehensions have been realized -- and then some. Phil Schiliro has lost his race. Dan Glickman has lost his seat. The Democrats have lost their 40-year control of the House. And Waxman, in mid-agenda, has lost control of his committee. Two days after the vote, the committee's new chair, Virginia Republican Thomas Bliley, the tobacco industry's foremost champion in Congress, announced that the House investigation of tobacco will come to a halt. The most accomplished Democratic legislator of his generation has abruptly been reduced to playing defense.

It isn't just tobacco. Newt Gingrich & Co. are taking dead aim at Waxman's core agenda -- health care for seniors and the poor. "Medicaid is shaping up as a major battleground," says Waxman one week after the blowout. "And Medicare is up for grabs." The American people will be asked to expunge their memory of

the 80s, to entertain a rerun of the supply-side economics that ran up the deficit beyond the wildest fantasies of the Keynesians.

Waxman is convinced the Republicans will overplay their hand. "I doubt they'll be able to deter the Christian right from going after its social agenda." Family planning critics will come under assault, he predicts, as will AIDS education funding. The gag rule prohibiting clinics from mentioning abortion as an option may return. But the republicans' radicalism, he suspects, may offer the key to the Democrats' revival -- it could bring the Democrats together. "Many of my colleagues have forgotten what it means to be a Democrat. Even the most conservative Democrats believe that government has some role in dealing with social problems," he says. "Many Republicans actually believe that no government is best; that everything can be resolved through private enterprise and charitable giving."

So the message of the election is that the Democrats should be more pro-government? "Of course, people are skeptical of what government can do," Waxman responds. "But they're going to see a Republican Congress step back from having the government do the things that people strongly support." Yet even Waxman must acknowledge that the project of revalidating government will be an arduous one.

All the tools that Democrats in America and their social democratic counterparts in Europe have used since 1945 to expand the middle class and enhance its sense of security -- public works, minimum wages, fiscal policy, unions -- have been smashed against a globalized economy. President Clinton's attempt to rehabilitate the public sphere through a guaranteed national health program fell victim to an unprecedented campaign from business lobbies. Although the conservative doctrine of trickle-down is a proven failure at raising American living standards, the Democrats have yet to figure out how their onetime proven success -- the mixed economy of the postwar era -- can be re-created in the brave new world market.

Waxman's specialty, however, is not repainting the big picture. As the party's premier legislative tactician, he sees his task as unmasking the veiled implications of the Republicans' Contract With America. "On the environment, they'll avoid a frontal assault on the Clean Air Act and other popular programs," he says, "but they'll try to make them unenforceable by using the issues of unfunded mandates and takings' clauses. We'll see the Republicans construct mechanisms to cut back Medicare and Social Security -- like the balanced budget amendment -- while pretending they're not quite doing that."

His sabbatical from electoral politics is over, too. "We have much less chance to legislate," he says. "And I have to be much more involved in getting the Democrats back in power." Currently, Waxman is busy trying to save the jobs of his committee staffers -- the Democrats best able to say precisely what the implications of a balanced budget amendment on Medicare, say, actually are. They may, in effect, have to be privatized, their salaries paid by friendly nonprofit foundations.

Going over to defense is a disappointment, but it should hold no terrors for Waxman. A liberal in a conservative epoch, he's played that role for virtually his entire career. The Republicans have nothing to teach him about gridlock; it was Waxman who so drowned the Clean Air Act in amendments that a clear majority on his committee was unable to gut it over a 10-year period. He's concerned about the Democrats, whether they have the stomach for such a fight, but as to the strategic and moral rightness of his course, he remains absolutely convinced,

And he certainly knows how to function in the minority. A few days before the election, I tell him that the upcoming vote will likely shift the focus of this piece to that of Waxman, the lonely liberal. "Oh," he laughs, strolling briskly down the halls of UCLA Law School, where he has just explained to a class how he got the dietary supplement law enacted without quite having the votes for it either in committee or on the floor of the House, "I'm always lonely."